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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,024	09/02/2003	Gregg M. Duthaler	H-357	2023
26245	7590	07/27/2006	EXAMINER	
DAVID J COLE E INK CORPORATION 733 CONCORD AVE CAMBRIDGE, MA 02138-1002			THOMAS, BRANDI N	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/605,024

Applicant(s)

DUTHALER ET AL.

Examiner

Brandi N. Thomas

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-27 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-27 and 33-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 17-27 and 33-44 are rejected under 35 U.S.C. 102(e) as being anticipated by LeCain et al. (2004/0027327 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 17, LeCain et al., discloses, in figures 1-3, an article of manufacture comprising: a layer of a solid electro-optic medium having first and second surfaces on opposed sides thereof (16) (section 0113); a first adhesive layer (26) on the first surface of the layer of solid electro-optic medium (16) (section 0114); a release sheet (28) disposed on the opposed side of the first adhesive layer (28) from the layer of solid electro-optic medium (16) (section 0114) but does not specifically disclose a second adhesive layer on the second surface of the layer of solid electro-optic medium (16). However, LeCain et al. does disclose that a second

Art Unit: 2873

adhesive could be applied opposed side of the electro-optic medium from the layer first applied (section 0102).

Regarding claim 18, LeCain et al., discloses, in figures 1-3, an article of manufacture, a second release sheet disposed on the opposed side of the second adhesive layer from the layer of solid electro-optic medium (section 0055).

Regarding claims 19, 22, 33, 37, and 41, LeCain et al., discloses, in figures 1-3, an article of manufacture, wherein the electro-optic medium (16) is an electrophoretic medium comprising a plurality of capsules, each capsule comprising a suspending fluid (20), a plurality of electrically charged particles (22 and 24) suspended in the suspending fluid (20) and capable of moving therethrough on application of an electric field to the suspending fluid, and a capsule wall surrounding the suspending fluid (20) and the electrically charged particles (22 and 24) (section 0113).

Regarding claim 20, LeCain et al., discloses, in figure 13, an article of manufacture, wherein the first adhesive layers (412) extend beyond the periphery of the layer of electro-optic medium (406) (section 151) but does not specifically disclose a second adhesive layer on the second surface of the layer of solid electro-optic medium (16). However, LeCain et al. does disclose that a second adhesive could be applied opposed side of the electro-optic medium from the layer first applied (section 0102).

Regarding claim 20, LeCain et al., discloses, in figure 13, an article of manufacture comprising: a layer of a solid electro-optic medium (16) having first and second surfaces on

Art Unit: 2873

opposed sides thereof (section 0113); a first release sheet (28) covering the first surface of solid electro-optic medium (section 0113); and a second release sheet covering the second surface of solid electro-optic medium (section 0055).

Regarding claim 23, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, the process comprising: providing an article of manufacture comprising a layer of a solid electro-optic medium having first and second surfaces on opposed sides thereof (16) (section 0113); a first adhesive layer (26) on the first surface of the layer of solid electro-optic medium (16) (section 0114); a release sheet (28) disposed on the opposed side of the first adhesive layer (28) from the layer of solid electro-optic medium (16) (section 0114) but does not specifically disclose a second adhesive layer on the second surface of the layer of solid electro-optic medium (16). However, LeCain et al. does disclose that a second adhesive could be applied opposed side of the electro-optic medium from the layer first applied (section 0102); laminating the article to a front substrate (12) via the second adhesive layer, thereby forming a front subassembly (section 0115); removing the release sheet from the front subassembly; and laminating the front subassembly via the first adhesive layer to a backplane comprising at least one electrode, thereby forming the electro-optic display (section 0114).

Regarding claim 24, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the front substrate (12) comprises an electrode (14) (section 0113).

Regarding claim 25, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display but does not specifically disclose wherein the front substrate comprises a color filter array. However, it is inherent that a color filter array would be included this being reasonably based on the display using color to display pictures.

Regarding claim 26, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the article of manufacture comprises a second release sheet, and the process comprises removing the second release sheet prior to laminating the article to the front substrate (section 0055) but does not specifically disclose a second adhesive layer on the second surface of the layer of solid electro-optic medium (16). However, LeCain et al. does disclose that a second adhesive could be applied opposed side of the electro-optic medium from the layer first applied (section 0102).

Regarding claim 27, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the first adhesive layers (412) extend beyond the periphery of the layer of electro-optic medium (406) (section 151) but does not specifically disclose a second adhesive layer on the second surface of the layer of solid electro-optic medium (16). However, LeCain et al. does disclose that a second adhesive could be applied opposed side of the electro-optic medium from the layer first applied (section 0102) and wherein during the process the peripheral portions of the first and second adhesive layers are adhered to each other, thereby forming an edge seal around the electro-optic medium (section 0148).

Regarding claims 34, 38, and 42, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the suspending fluid (20) and the plurality of electrically charged particles (22 and 24) are present as a plurality of discrete droplets and a continuous phase of polymeric material surrounds the droplets (section 0010).

Regarding claims 35, 39, and 43, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the suspending fluid (20) and the plurality of

Art Unit: 2873

electrically charged particles (22 and 24) are retained within a plurality of cavities (capsules) formed in a carrier medium (16) (section 0113).

Regarding claims 36, 40, and 44, LeCain et al., discloses, in figures 1-3, a process for forming an electro-optic display, wherein the electro-optic medium (16) is a rotating bichromal member medium or an electrochromic medium (section 0045).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 17-27 and 33-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Examiner's Comment***

4. Claims 18, 19, and 33-36 were rejected under Double Patent. However, the terminal disclaimer has overcome the previous rejection and these claims have been prosecuted.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 7- 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BNT

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Alicia M Harrington  
Primary Examiner  
Art Unit 2873